

MAR 29 2002

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In re Application of  
Dakka et al.

Application No.: 09/719375

PCT No.: PCT/EP99/03998

Int. Filing Date: 08 June 1999

Priority Date: 08 June 1998

Attorney Docket No.: 98M034

For: Oxidation Process In The  
Presence Of Carbon Dioxide

DECISION ON

PETITION UNDER

37 CFR 1.137(b)

This is a decision on applicant's petition under 37 CFR 1.137(b) filed on 08 March 2002.

### **BACKGROUND**

This international application was filed on 08 June 1999 and claimed an earlier priority date of 08 June 1998. The International Bureau transmitted a copy of the published international application to the USPTO on 16 December 1999. A Demand electing the United States was filed on 21 December 1999, which was prior to the elapse of 19 months from the priority date. Consequently, the thirty period for payment of the basic national fee in the United States expired as of midnight on 08 December 2000.

On 08 December 2000, applicants filed a Transmittal Letter accompanied by the basic national fee.

On 31 January 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an executed oath or declaration.

On 11 September 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that the application had become abandoned with respect to the United States for failure to reply to the Notification of Missing Requirements.

Applicants filed the instant petition on 08 March 2002.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was

unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition is accompanied by the required reply in the form of an executed declaration.

Regarding requirement (2), the petition is accompanied by the petition fee.

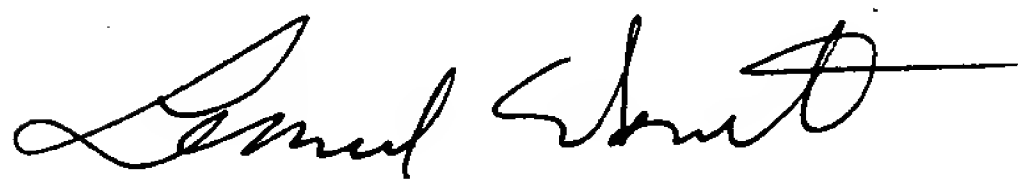
Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

### **DECISION**

The petition to revive the application as abandoned under 35 U.S.C. 371(d) is **GRANTED** with respect to the United States.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The application has an international filing date under 35 U.S.C. 363 of 08 June 1999, and a date under 35 U.S.C. 371 of **08 March 2002**.



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